

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

This matter is before the Court on the Government's Motion to Strike (ECF No. 19), filed on June 13, 2017. Defendant filed his Response (ECF No. 22) on June 27, 2017. The Government filed its Reply (ECF No. 23) on July 5, 2017.

The Government requests that the Court strike Defendant's Notice of Assertion of Right to be Present in Court Unshackled (ECF No. 16) as improperly filed. The Court construes Defendant's filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints during any pretrial hearing. Trial is set for December 5, 2017. This matter is not set for hearing on any pretrial motions. The Court, therefore, denies the Government's motion as premature.

Accordingly,

IT IS HEREBY ORDERED that the Government's Motion to Strike (ECF No. 19) is denied.

DATED this 14th day of August, 2017.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge